

REMARKS

In light of the above amendments and following remarks, reconsideration and allowance of this application are respectfully requested.

At paragraph 3 of the outstanding Office Action, the Examiner has rejected claims 25-29 and 73-78 under 35 U.S.C. §101 as being directed to a computer program. In accordance with MPEP section 2106, Applicant has recited that the computer program is stored in a memory and is operable to instruct a multipurpose computer, therefore claiming statutory subject matter. Applicant therefore requests that the rejection of these claims under 35 U.S.C. §101 be withdrawn.

At paragraph 4 of the outstanding Office Action, the Examiner has rejected claims 30-34 and 67-72 under 35 U.S.C. §101 because it is claiming unstatutory subject matter as being directed to a recording medium. Applicant has amended these claims to indicate that the video program is recorded by a multipurpose computer and may be read and played back from the recording medium by a multipurpose computer, thereby claiming statutory subject matter. Under MPEP section 2106 as noted above, Applicant submits that these claims now present patentable subject matter. Applicant therefore requests that the rejection of these claims under 35 U.S.C. §101 be withdrawn.

At paragraph 6 of the outstanding Office Action, the Examiner has rejected claims 1-24 and 30-34 under 35 U.S.C. §102(e) as being anticipated by Cornog et al. (U.S. Patent No. 6,337,880). Applicant respectfully traverses the rejection.

In Cornog et al., in order to allow random access, the MPEG or first format data stream is reformatted to generate a format that allows random access and an index. Thus,

Cornog et al. does not suggest or teach the ability of generating a random access to an existing data stream, but rather reformats the data stream into a proprietary format thereby allowing for random access.

However, if a data stream is recorded on, for example, a DVD, or other fixed computer readable medium, in order to provide the random access, it would be necessary to provide the information in a different, nonstandard format (which is impractical), or to convert the material each time it is to be viewed and retain the entire reformatted data in a RAM memory that is erased upon power down. This is also impractical in that the length of the time required for this conversion would be substantial.

Therefore, Applicant has more specifically defined the invention to include that the video data stream is of a predefined format, and the random access points are determined in the video data stream of the same predefined format. Thus, these claims preclude the conversion of the data stream from a first format to a second format in order to allow random access.

Additionally, the claimed invention recites that the lists of random access points are distinguished from each other by the packet identification information. Thus, the indexing of the random access points in the database is done in accordance with the packet identification information. No such teaching is present in Cornog et al., and indeed there is no discussion of the indexing format whatsoever.

Because Cornog et al. fails to teach the invention of generating random access points in a predefined format, rather than the conversion of formats in Cornog et al., and because the random access points are not generated and distinguished in accordance with the packet identification information, Applicant respectfully requests that the rejection of claims 1-24 and 30-34 under 35 U.S.C. §102(e) be withdrawn. Applicant submits that independent claims 1, 6,

11, 18 and 30 include limitations similar to those noted above, and the remainder of the claims depend from one of these independent claims, and is therefore allowable for this reason alone and additionally as presenting an independently patentable combination in its own right.

At paragraph 8 of the outstanding Office Action, the Examiner has rejected claims 25-29 under 35 U.S.C. §103(a) as being unpatentable over Cornog et al. Applicant respectfully traverses the rejection.

Applicant submits that claim 25 includes limitations similar to those noted above, and therefore is allowable for the same reasons noted above with respect to claim 1. Furthermore, claims 26-29 depend from independent claim 25, and are therefore allowable for this reason alone, and additionally as presenting independently patentable combinations in and of their own right. Applicant therefore respectfully requests that the rejection of claims 25-29 under 35 U.S.C. §103(a) be withdrawn.

At paragraph 9 of the outstanding Office Action, the Examiner has rejected claims 35-78 under 35 U.S.C. §103(a) as being unpatentable over Saeijs et al. (U.S. Patent No. 5,596,581) in view of Cornog et al. Applicant respectfully traverses the rejection.

The Examiner has relied on Saeijs et al. merely to teach a recording medium for recording video data acquired from a transport stream that includes a plurality of multiplexed video programs each having packet identification information and distinguishing means for distinguishing each of the plurality of video programs. However, the Examiner admits that Saeijs et al. fails to teach detecting the random access points, and therefore the Examiner relies on Cornog et al. to cure this deficiency. Applicant submits that as noted above, Cornog et al. fails to cure the deficiency as claimed in the independent claims in that Cornog et al. requires a conversion of formats which is precluded from the claims. Applicant therefore submits that

independent claims 35, 44, 53, 60, 67 and 73 include these limitations and are therefore allowable. Applicant further submits that the remaining dependent claims depend from one of these independent claims and are therefore allowable for this reason alone, and additionally as presenting an independently patentable combination in and of their own right. Applicant therefore respectfully requests that the rejection of claims 35-78 under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

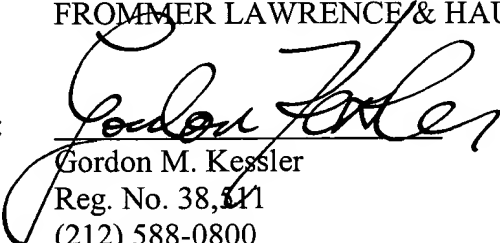
Applicant has made a diligent effort to place claims 1-78 in condition for allowance, and notice to this effect is earnestly solicited. If the Examiner is unable to issue a Notice of Allowance regarding these claims, the Examiner is respectfully requested to contact the undersigned attorney in order to discuss any further outstanding issues.

Early and favorable consideration are respectfully requested.

Respectfully submitted,

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